

REMARKS

Upon entry of the present amendment, claims 3 and 5 will have been rewritten into independent form. In addition, several claims will have been submitted for consideration by the Examiner.

In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant wishes to respectfully thank the Examiner for accepting the drawings submitted in the present application on November 13, 2001. Applicant further wishes to thank the Examiner for his acknowledgement of the Claim for Foreign Priority under 35 U.S.C. § 119 and for confirming receipt of the certified copy of the foreign priority document.

However, Applicant notes that on February 13, 2002, an Information Disclosure Statement was filed together with copies of the cited documents, translations and English language equivalents. Further, a PTO-1449 Form listing each of the references was submitted. However, Applicant has not received a signed and initialed copy of the PTO-1449 Form attached thereto to confirm the Examiner's consideration of these documents. Accordingly, in the next Official Action, Applicant respectfully requests that the Examiner confirm his consideration of the documents cited in the Information Disclosure Statement filed on February 13, 2002.

In the outstanding Official Action, the Examiner rejected claims 1, 2 4 and 6-7 under 35 U.S.C. § 103 as unpatentable over KUDO et al. (U.S. Patent No. 5,836,869) in

view of TAKAHASHI et al. (U.S. Patent No. 5,861,439). The Examiner objected to claims 3 and 5 as being dependent upon a rejected base claim. However, the Examiner indicated that these claims would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims.

By the present Response and without in any manner acquiescing in the propriety of the Examiner's rejection of claims 1, 2, 4, 6 and 7, Applicant has rewritten claims 3 and 5 into independent form. Such rewriting is made only in order to expedite the allowance of the present application and is not to be interpreted as agreement not acquiescence in the assertions or interpretations set forth by the Examiner in the statement of the rejection of claims 1, 2, 4, 6 and 7.

In particular, claim 1 has been amended to include the limitations of claims 2 and 3 while newly submitted claim 8 includes the limitations of claims 1, 4 and 5. Accordingly, at least in accordance with the Examiner's indication, each of the claims in the present application is now clearly in condition for allowance.

In rewriting claims 3 and 5 into independent form, Applicant has made minor changes to the language of the claims in order to clarify the recitations thereof and without narrowing the scope of the claims. Such amendments are made only in order to enhance the clarity of the claims in the present application.

By the present Response, Applicant has submitted several additional claims for consideration by the Examiner and these claims are submitted to be allowable at least in accordance with the recitations thereof.

Finally, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of all the claims in

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- the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.


SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has rewritten two objected-to dependent claims into independent form while not acquiescing in the propriety of the Examiner's rejection. Applicant has further submitted several additional claims for consideration by the Examiner. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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